



2. I am an attorney with The Rabb Law Firm, PLLC (“my Firm”).

3. My Firm represents Plaintiff Rhonda Staton in the above-entitled action.

4. Attached as **Exhibit 1** is the initial Fee and Cost Agreement between my Firm and the Plaintiff.

5. Attached as **Exhibit 2** is the amended Fee and Cost Agreement between my Firm and the Plaintiff.

6. At the beginning of my Firm’s representation of the Plaintiff in 2020, I assigned Lana Rupprecht, a Senior Attorney within my firm, to assist with the litigation of this matter.

7. Ms. Rupprecht’s initial hourly rate was \$350 per hour. In July 2021, her rate was raised to \$415.00 per hour.

8. Jeff Driggers was hired by my Firm as a Senior Attorney in 2020. Mr. Driggers’ hourly rate during services provided in this matter was \$415 per hour and \$425 per hour, on par other Senior Attorneys within the Firm at that time.

9. In 2021, Kristen Corn was hired by my Firm as a Senior Attorney. Ms. Corn’s hourly rate during services provided in this matter was \$350 per hour and \$425 per hour, on par other Senior Attorneys within the Firm at that time.

10. In 2021, Byron Gruber was hired by my Firm as a Senior Attorney. Mr. Gruber's hourly rate during services provided in this matter was \$415 per hour and \$425 per hour, on par other Senior Attorneys within the Firm at that time.

11. In 2021, my Firm hired Rachel Fuller as a law clerk before she became an Associate Attorney with the Firm.

12. Ms. Fuller holds a law degree from the University of Memphis. As such, pursuant to §25-10-305(1)(e), MCA, Ms. Fuller, having graduated from an accredited law school, met the statutory definition of "paralegal".

13. The work performed by Rachel Fuller pending admission to the Montana Bar was billed at the hourly rate of \$195 which is commensurate with the rate of a paralegal within the Firm.

14. Once admitted and practicing as a licensed attorney in the State of Montana in September 2021, Ms. Fuller's rate was increased to \$295 per hour to reflect a rate commensurate with that of an Associate Attorney at the Firm.

15. Ms. Fuller assisted in providing litigation support in this matter with law and motion work, legal research and drafting of various motions, briefs, and pleadings. In July 2022, her rate was raised from \$295 per hour to \$350 per hour for all matters.

16. My hourly rate was initially \$350 per hour and was then raised to \$450 per hour for matters in September 2021.

17. The work performed by paralegal Susan Russell was billed at the hourly rates of \$140 and then increased to \$175.

18. Ms. Russell has been a paralegal for approximately 30 years.

19. Ms. Russell is my Firm's primary litigation paralegal.

20. When appropriate, my Firm sought to utilize Ms. Russell for certain services provided to Plaintiff in this matter with the goal of saving the Plaintiff money without diminishing the work product produced.

21. Ms. Russell provided the following paralegal services: drafting discovery requests for attorney review; reviewing and analyzing answers to interrogatories and responses to requests for production; drafting pleadings and notices for attorney review; drafting affidavits for use as exhibits in pleadings for attorney review; preparing correspondences to opposing counsel; preparing correspondences to Plaintiff; and meeting with Plaintiff to discuss various issues or provide updates.

22. In 2022, my Firm hired Jessica LaRoche. Ms. LaRoche holds a law degree from the University of Montana and, as such, is also defined as a "paralegal" per MCA §25-10-305(1)(e). Ms. LaRoche's hourly rate is \$125 per hour.

23. Ms. LaRoche provided litigation support to the attorneys working on the matter.

24. Tanner McFadden is a Certified Paralegal hired by the Firm in 2021.

25. Mr. McFadden's hourly rate during work performed in this matter was \$175.00 per hour.

26. Mr. McFadden performed litigation support and legal research on various legal issues involved in this case.

27. Matthew Kennedy is a Certified Paralegal hired by the Firm in 2019.

28. Mr. Kennedy's hourly rate during work performed in this matter was \$140 per hour.

29. Mr. Kennedy performed legal research on various legal issues involved in this case.

30. I base the hourly rates for the attorneys, paralegals, and other support staff, at my firm on the market rates in Bozeman. The increases in the hourly rates are also market based, and in part, are the result of feedback from clients, and demand for the Firm's services.

31. I believe my Firm's hourly rates, including the hourly rates of our paralegals are reasonable.

32. My Firm's billing practices are centered around my philosophy of not wanting to charge my Firm's clients for any billing entries that I would be hesitant to pay myself.

33. My Firm provides courtesy discounts of certain billing entries and did so in this matter to discount our legal and paralegal services.

34. The discounts reflected on Plaintiff's invoices included, but were not limited to: sending, receiving, or reviewing correspondences that could be deemed administrative; certain meetings or telephone conferences with Plaintiff; discounts based on the presence of more than one attorney on a telephone call, at a meeting, or in Court; and for any work that could appear duplicative to a client. "Courtesy" discounts are also applied.

35. The total amount of attorney fees that my Firm charged Plaintiff in this matter is \$629,137.75.

36. The total amount of paralegal fees that my Firm charged Plaintiff in this matter is \$59,713.00.

37. I believe that these fees are reasonable in light of the experience of the attorneys (myself, Mr. Driggers, Ms. Rupprecht, Ms. Corn, Ms. Fuller, Mr. Gruber), paralegals (Ms. Russell, Ms. Fuller, Ms. LaRoche and Mr. Kennedy), the complexity of the case, and the work performed in this matter.

38. The spreadsheet attached as **Exhibit 3** contains true and accurate information from my Firm's invoices for activities from July 28, 2020, to February 16, 2024, and the spreadsheet details the types of services rendered. The time entries reflected in the spreadsheet were contemporaneously entered during or near the time that the work was performed.

39. Plaintiff has incurred non-taxable costs in the amount of \$39,759.83 as follows:

Mileage Reimbursement at Federal Rate	\$1,516.32
Conference Room Fee for Deposition	\$150.00
Expert Witness Fees	\$33,192.00
Fees for Transcript from Relevant Case	\$124.80
Lodging for Trial Attendance	\$4,676.71
Cost to Transcribe Arbitration Testimony	\$100.00
<b>TOTAL NON-TAXABLE COSTS:</b>	<b>\$39,759.83</b>

40. The spreadsheet attached as **Exhibit 4** contains true and accurate information for non-taxable costs from July 28, 2020 to February 21, 2024, and the spreadsheet details the types of non-taxable costs incurred. The expense entries were made during or near the time that the expense was incurred.

41. Based on my experience and education, along with the foregoing

information, the circumstances of the case, and the complexity of the trial, the hourly rates charged by attorneys and staff at The Rabb Law Firm, PLLC in this matter are reasonable, and the total amount of attorney fees and non-taxable costs incurred were reasonable and necessary.

FURTHER AFFIANT SAYETH NOT.

DATED February 29, 2024

  
MICHAEL L. RABB

SUBSCRIBED and SWORN to before me this 29<sup>th</sup> day of February, 2024.

  
Notary Public for the State of Montana

